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REMARKS

This amendment is responsive to the Office Action of December 18, 2006. Reconsideration and allowance of claims 1-18 and 31-39 are requested.

The Office Action

Claims 1, 2, 14, and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Wen (US 7,067,089).

Claim 3 stands rejected under 35 U.S.C. § 103 as being unpatentable over Wen in view of Baran (US 4,241,010).

Claims 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wen in view of Mueller (US 5,792,435).

Claims 6, 7, 10-13, 16, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wen in view of Ryan (US 7,071,437).

Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Folsom (US 4,111,753) taken alone.

Claims 19-30 stand withdrawn by virtue of a restriction requirement.

**The Claims Distinguish Patentably Over
The References of Record**

Claim 1 calls for sorting potentially contaminated items in an enclosure. Although Wen provides a mail decontaminating enclosure 10, Wen makes no suggestion of performing any sorting step within chamber 10. Rather, Wen uses a metal detector 17 to sense items containing metal and divert them off the conveyor 12 before they enter the chamber 10 to avoid exposing such items to microwave radiation (column 2, lines 34-39). No sorting steps or functions within chamber 10 are disclosed or fairly suggested by Wen.

Claim 1 further calls for treating the items with a first decontaminant and treating the enclosure with a second decontaminant. As set forth in column 2, lines 55-61 of Wen, the ultraviolet and microwave radiation do not irradiate the items sufficient to kill bacteria or other contaminants. Rather, the ultraviolet or microwave radiation is provided to ionize the gaseous decontaminant in order that it might work more effectively. Wen discloses no second contaminant. Thus, Wen teaches that only a single decontaminant step is needed.

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Claim 3 calls for the first decontaminant to include ethylene oxide. It is submitted that one of ordinary skill in the art would not be motivated to use ethylene oxide in the Wen sterilizer. In Wen, the items move through the chamber 10 on a continuous conveyor 12. This allows minor sterilant leakage at the entrance and exit ports. Moreover, the continuous movement of the conveyor belt and items through the entrance and exit to the chamber 10 would prohibit one from drawing a vacuum of the level taught by Baran. As noted in Baran, ethylene oxide is extremely toxic and is unsuited for applications in which humans could be subject to even minute amounts. At the end of the sterilization cycle, which appears to take about a half hour in Figure 1 of Baran, Baran then subjects the items to about an 1-3/4 hour aeration portion to remove any residual absorbed ethylene oxide from the items. It is submitted that the continuous conveyor belt system of Wen is unsuited to an ethylene oxide treatment process. Moreover, it is submitted that because of the isolation necessary when using ethylene oxide, it is submitted that neither Wen, nor Baran, nor the combination provide an enabling disclosure as to how one might reconfigure and redesign the Wen system in order to use ethylene oxide safely.

Claim 6 calls for sorting contaminated items in the enclosure and treating a portion of the sorted items in a chamber which is selectively connected with the enclosure. The combination of Ryan and Wen do not teach or fairly suggest this combination. In Wen, a singulator 12 places the mail single file into a conveyor system which, in Figures 5 and 6, passes through a sanitizer 13 on the way to a mail sorter 16. Thus, like Wen who does not sort the items in chamber 10, Ryan does not sort the mail in sanitizer 13.

Further, both Wen and Ryan have only a single chamber (10 in Wen, 13 in Ryan) in which decontamination is performed. Neither introduces a first decontaminant into a chamber and a second decontaminant into an enclosure.

It is further submitted that if one were to combine Wen and Ryan, one would substitute the sanitizing device 10 of Wen for the sanitizing device 13 of Ryan. In such a combination, no sorting would be performed in the sanitizer. Further, in such a combination, like Wen and Ryan taken individually, there is no suggestion of treating an enclosure in which mail is sorted with a second decontaminant.

Claim 7 further calls for transporting items from the enclosure to the chamber. Neither Wen nor Ryan have an enclosure where one decontaminant is applied and a second chamber to which the items are transported after sorting to be

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treated with a second decontaminant. Wen only applies a decontaminant in chamber 10 and Ryan only applies a decontaminant in sanitizer 13.

Folsom, taken alone, does not render claims 8 and 9 unpatentable. Folsom discloses no sorting step. Folsom further does not suggest treating with two different decontaminants. Further yet, Folsom does not teach or fairly suggest treating with one decontaminant in an enclosure and treating with a second decontaminant in a chamber different from the enclosure.

It is noted that the Examiner has not tried to combine Wen with Folsom and rightfully so. The sealed transport unit 30 of Folsom is incompatible with the continuous conveyor belt feed through system 10 of Wen. If one were to try to combine them in some way, serious and significant modifications would need to be made, which modifications are not taught or fairly shown by either reference.

Claim 12 calls for loading a portion of the sorted items into a basket and transporting the basket to the chamber. In Ryan, the sanitizer 13 is upstream from the baskets 18 in the bin module 20. Baskets are not moved from bin module 20 into the sanitizer 13. Wen does not suggest baskets or moving items through the chamber 10 in baskets. Rather, Wen, like Ryan, places items individually on a conveyor system and moves them one by one through chamber 10 of Wen or 13 of Ryan.

Claim 12 further calls for evacuating the chamber. With the continuous belt moving through chamber 10 of Wen or sanitizer 13 of Ryan, there would be significant air leakage which would prevent a vacuum from being drawn in either chamber 10 of Wen or sanitizer 13 of Ryan. Significant redesign, for which there is no enabling disclosure, would need to be made before either Wen or Ryan could draw a vacuum.

Claim 13 calls for aerating the chamber to remove residual sterilant. Neither Wen nor Ryan suggest an aeration step.

Claim 13 calls for scanning a document within the enclosure. Wen provides no suggestion of a scanner in enclosure 10. Ryan does not cure this shortcoming in that Ryan does not disclose a scanner in sanitizer 13. Moreover, claim 16 calls for transmitting the scanned image to a location outside of the enclosure. Neither Wen nor Ryan teach or fairly suggest sending a scanned image outside of an enclosure.

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Claim 17 calls for detecting when a pathogenic agent is present within the enclosure, i.e., the enclosure in which mail is sorted. Neither Wen nor Ryan teach or fairly suggest monitoring for a pathogenic agent in a sorting area.

Accordingly, it is submitted that claims 1-18 and 37-39 are not anticipated by Wen and distinguish patentably over Wen and the various applied references.

New claims 31-36 focus on the preferred embodiment and include numerous steps neither taught nor fairly suggested by Wen or the other references of record.

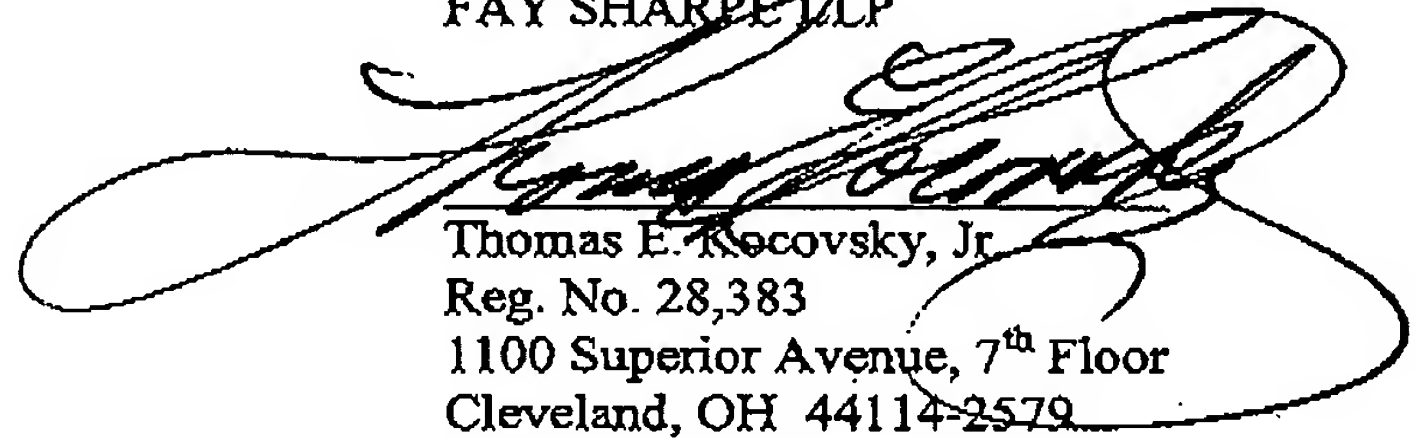
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-18 and 31-39 distinguish patentably and unobviously over the references of record and are now in condition for allowance. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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